

**IN THE CIRCUIT COURT OF CLARK COUNTY ARKANSAS
CIVIL DIVISION**

PHILLIP THOMPSON

PLAINTIFF

vs.

CASE NO.: 10CV-17- 69

FILED
MARTHA J. SMITH

MAY 11 2017

**CIRCUIT CLERK
CLARK COUNTY, ARKANSAS**

**ERIC TRIMBLE and
OLD DOMINION FREIGHT LINE, INC.**

DEFENDANTS

COMPLAINT

COMES the Plaintiff Phillip Thompson, by and through counsel of record, Taylor King Law, and for his Complaint against Defendants Eric Trimble and Old Dominion Freight Line, Inc., and states as follows:

1. Plaintiff Phillip Thompson is an adult resident citizen of West Olive, Ottawa County, Michigan residing at 9035 Four Winds Lane E, West Olive, Michigan 49460.

2. Upon information and belief, Defendant Eric Trimble is an adult resident of Dallas, Dallas County, Texas residing at 2002 Ramsey, Dallas Texas 75218.

3. Upon information and belief, Defendant Old Dominion Freight Line, Inc. is a foreign corporation doing business in the state of Arkansas which has named as its registered agent for service of process The Corporation Company, 124 West Capitol Avenue, Suite 1900, Little Rock, Arkansas 72201.

4. All events for the basis of this Complaint occurred on Hwy I-30 W at or near Section 140 Log Mile 60.030 in Clark County, Arkansas.

5. This is the proper venue for this action, and this Court has jurisdiction of the parties and the subject matter herein

FACTS

6. On or about May 18, 2016, at approximately 2:25 p.m., Plaintiff Phillip Thompson was operating a 2011 International Harvester tractor trailer rig traveling westbound on Interstate 30 at or near log mile 60. At the same time and place, Defendant Eric Trimble was operating a 2015 Freightliner tractor trailer rig owned and maintained by Separate Defendant, Old Dominion Freight Line, Inc. Defendant Eric Trimble was traveling westbound on Interstate 30 behind the Plaintiff's vehicle. As the Plaintiff lawfully slowed for traffic, Defendant Eric Trimble negligently and carelessly ran his vehicle into the rear of the Plaintiff's vehicle. As a result of the conduct of Defendant Eric Trimble, Plaintiff Phillip Thompson has suffered injuries and damages as more specifically described herein.

7. At all times relevant herein, Defendant Eric Trimble was an agent, servant, or employee of the Defendant Old Dominion Freight Line, Inc. operating within the course and scope of his agency, service, or employment, and any negligence on the part of Defendant Eric Trimble is imputed by law to Defendant Old Dominion Freight Line, Inc. which is vicariously liable.

COUNT 1- NEGLIGENCE ERIC TRIMBLE

8. Defendant Eric Trimble committed acts and omissions constituting negligence which were a proximate cause of the injuries and damages of the Plaintiff. Specific acts and omissions include, but are not limited to, the following:

- a) Failing to keep a proper lookout;
- b) Failing to keep the vehicle he was driving under proper control;

- c) Carless and prohibited driving;
- d) Inattentive driving;
- e) Driving at a speed greater than was prudent under the circumstances;
- f) Following too close;
- g) Failure to yield the right of way to the forward vehicle; and
- h) Otherwise failing to exercise ordinary care under the circumstances.

9. As a direct and proximate result of the conduct of Defendant Eric Trimble, Plaintiff Phillip Thompson suffered injuries and damages as more specifically described herein.

DAMAGES

10. As a result of the conduct of the Defendants, Plaintiff sustained serious personal injuries, incurred medical care, treatment and services in the past and is reasonably certain to require medical care, treatment and services in the future, which amount includes transportation expenses necessarily incurred in securing such care. Further, the Plaintiff has experienced pain, suffering and mental anguish in the past and is reasonably certain to experience pain, suffering and mental anguish in the future. The Plaintiff has sustained a loss of earnings in the past. As a result of the conduct of the Defendants, Eric Trimble and Old Dominion Freight Line, Inc., the Plaintiff, Phillip Thompson, should be compensated for the nature, extent, duration, and permanency of his injuries as set out herein.

WHEREFORE, the Plaintiff, Phillip Thompson, respectfully prays that this Court enter a judgment against the Defendants, Eric Trimble and Old Dominion Freight Line, Inc., in an amount adequate to compensate him for the injuries and damages he has sustained which amount exceeds the jurisdictional requirement in federal diversity of citizenship cases. The Plaintiff further prays

for costs, interest and all other just and proper relief to which he may be entitled. The Plaintiffs pray for a jury trial.

Respectfully submitted,

Taylor King Law
320 Main Street
Arkadelphia, AR 71923
(870) 246-0505



Russell D. Marlin, Bar No. 2000107
Attorney for Plaintiff